

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8871. SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION
DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8871.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Southwestern Travis County Groundwater Conservation District.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Travis County created under and essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2.03 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2.03 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond; or
- (3) legality or operation.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

SUBCHAPTER B. TEMPORARY AND INITIAL DIRECTORS

Sec. 8871.021. APPOINTMENT OF TEMPORARY DIRECTORS; VACANCIES; TERMS. (a) Seven persons who reside in the district shall be appointed as temporary directors not later than the 90th day after the effective date of the article of the Act creating this chapter as follows:

- (1) the county judge of Travis County shall appoint one temporary director;
- (2) the county commissioner for the county commissioners precinct in which the district is principally located shall appoint two temporary directors;
- (3) the state representative who represents the house district in which the district is principally located shall appoint two temporary directors; and
- (4) the state senator who represents the senate district in which the district is principally located shall appoint two temporary directors.

(b) If a temporary director fails to qualify for office or a vacancy occurs on the temporary board, the remaining temporary directors shall appoint a person to fill the vacancy. If at any time there are fewer than four temporary directors, the state representative under Subsection (a)(3) shall appoint the necessary number of persons to fill all vacancies on the board.

(c) Temporary directors serve until the date initial

directors are elected at an election held under Section [8871.024](#).
Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02,
eff. September 1, 2017.

Sec. 8871.022. ORGANIZATIONAL MEETING. (a) Not later than the 45th day after the date on which the seventh temporary director is appointed under Section [8871.021](#), the temporary directors shall hold the organizational meeting of the district.

(b) The temporary directors shall select from among themselves a president, a vice president, and a secretary.
Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02,
eff. September 1, 2017.

Sec. 8871.023. AUTHORITY OF TEMPORARY DIRECTORS.
(a) Except as provided by Subsections (c) and (d) or as otherwise provided by this subchapter, the temporary directors of the district have the same permitting and general management powers as those provided for initial and permanent directors under this chapter and Chapter [36](#), Water Code.

(b) The temporary directors or their designees have the authority to enter any public or private property located in the district to inspect a water well that is not exempt under Section [8871.103](#), as provided by Section [36.123](#), Water Code.

(c) Except as provided by Section [8871.024](#), the temporary directors do not have the authority granted by the following provisions of Chapter [36](#), Water Code:

- (1) Sections [36.017](#), [36.019](#), [36.020](#), and [36.059](#);
- (2) Sections [36.105](#), [36.1071](#), [36.1072](#), [36.1073](#), and [36.108](#);
- (3) Sections 36.171-36.181;
- (4) Sections 36.201-36.204; and
- (5) Subchapters J and K.

(d) The temporary directors may regulate the transfer of groundwater out of the district as provided by Section [36.122](#), Water Code, but may not prohibit the transfer of groundwater out of the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02,

eff. September 1, 2017.

Sec. 8871.024. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary directors shall order an election in the district, to be held not later than the uniform election date in November 2019, to confirm the creation of the district and to elect the initial directors.

(b) At the election held under this section, the temporary board shall have placed on the ballot the names of the candidates who are eligible under Section 8871.051 for each of the seven positions on the board.

(c) Section 41.001(a), Election Code, applies to an election held under this section.

(d) Except as provided by this section, an election held under this section must be conducted as provided by the Election Code and Sections 36.017, 36.018, and 36.019, Water Code. The following provisions of the Water Code do not apply to an election under this section:

- (1) Section 36.017(a);
- (2) the provision of Section 36.017(d) governing ballot provisions for the election of permanent directors; and
- (3) Section 36.059(b).

(e) If the district's creation is not confirmed at an election held under Subsection (a), the candidate who receives a majority of the votes cast at that election for each of the seven positions on the board becomes a temporary director of the district. The temporary directors elected under this subsection shall order a subsequent election to be held to confirm the creation of the district and to elect the initial directors not earlier than the uniform election date in November 2020.

(f) Temporary directors elected under Subsection (e) serve until:

(1) the date initial directors are elected at the subsequent election ordered under Subsection (e) if the creation of the district is confirmed; or

(2) the fourth anniversary of the date of the election held under Subsection (a) if the creation of the district is not

confirmed.

(g) The vacancy provision of Section 8871.021, and Section 8871.023, apply to the temporary directors elected under Subsection (e).

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. 4345), Sec. 2.02, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 73 (S.B. 669), Sec. 1, eff. May 20, 2019.

Sec. 8871.025. INITIAL DIRECTORS. (a) Promptly after an election has been held under Section 8871.024 and the votes have been canvassed, if the creation of the district is confirmed, the temporary directors shall:

(1) declare for each board position the person who receives the most votes for that position to be elected as the initial director for that position; and

(2) include the results of the initial directors' election in the district's election report to the commission.

(b) The initial directors shall draw lots to determine which three initial directors serve two-year terms and which four initial directors serve four-year terms.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. 4345), Sec. 2.02, eff. September 1, 2017.

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8871.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven directors.

(b) Directors elected after the election held under Section 8871.024 serve four-year terms.

(c) The directors are elected as follows:

(1) one director must reside in the corporate limits of the City of Bee Cave and be elected by voters residing in the City of Bee Cave;

(2) one director must reside in the corporate limits of the City of Lakeway or Village of the Hills and be elected by

voters residing in the City of Lakeway and Village of the Hills;

(3) one director must reside in the corporate limits of the City of West Lake Hills and be elected by voters residing in the City of West Lake Hills; and

(4) four directors must:

(A) reside inside the district and outside the corporate limits of the City of Bee Cave, City of Lakeway, Village of the Hills, and City of West Lake Hills;

(B) be elected by voters residing inside the district and outside the corporate limits of the City of Bee Cave, City of Lakeway, Village of the Hills, and City of West Lake Hills; and

(C) each use groundwater as a source of water supply for one or more beneficial uses at their respective residences.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. 4345), Sec. 2.02, eff. September 1, 2017.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8871.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. 4345), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.102. AQUIFER STORAGE AND RECOVERY PROJECTS. The district may implement and develop aquifer storage and recovery projects in accordance with:

(1) Chapters 27 and 36, Water Code; and

(2) commission rules and guidance.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. 4345), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.103. EXEMPT WELLS. (a) Groundwater withdrawals from the following wells may not be regulated, permitted, or metered by the district:

(1) a well used for domestic use by a single private residential household and incapable of producing more than 10,000 gallons per day; and

(2) a well used solely for domestic use or for providing water for livestock or poultry if the well is:

(A) located or to be located on a tract of land larger than 10 acres; and

(B) drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day.

(b) The district may not charge or collect a well construction fee for a well described by Subsection (a)(2).

(c) A well used for dewatering and monitoring in the production of coal or lignite is exempt from permit requirements, regulations, and fees imposed by the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.104. PERMIT REQUIRED. A well owner must obtain a permit and pay any required fees, including a well construction fee, before using any groundwater withdrawn from a well for purposes other than those exempted by Section [8871.103](#).

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.105. ACCESS TO PROPERTY. (a) Subject to Subsection (b), an employee or agent of the district is entitled to enter public or private property in the district at any reasonable time to:

(1) inspect an exempt well;

(2) inspect and investigate conditions relating to the quality of water in the state; and

(3) monitor compliance with any rule, regulation, permit, or other order of the district.

(b) An employee or agent of the district must obtain the permission of the property owner before entering public or private property.

(c) If any employee or agent of the district is refused the right to enter public or private property in the district under this section, the district may seek a court order from a district court authorizing the district to enter the land.

(d) An employee or agent who enters private property under this section shall:

(1) observe the property's rules and regulations, if any, concerning safety, internal security, and fire protection;

(2) notify management or a person in charge of the presence of the employee or agent; and

(3) exhibit proper credentials.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

SUBCHAPTER E. FINANCIAL PROVISIONS

Sec. 8871.151. WELL CONSTRUCTION FEE. The district may charge and collect a new well construction fee not to exceed \$1,000 for a new well.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.152. PERMIT RENEWAL APPLICATION FEE. The district may charge and collect a permit renewal application fee not to exceed \$400.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.153. SERVICE CONNECTION FEE. (a) This section

does not apply to a water utility that has surface water as its sole source of water.

(b) The district may levy and collect a water utility service connection fee not to exceed \$1,000 for each new water service connection made after September 1, 2017.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.154. PRODUCTION FEE. The district may impose reasonable production fees on each well that is not exempt from permitting under Section [8871.103](#) based on the amount of water actually withdrawn from the well. The district may not impose a production fee under this section in an amount greater than 20 cents per thousand gallons.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.155. ADMINISTRATIVE MANAGEMENT FEE. The district may set a reasonable fee for administrative management on a per well basis. The district may set a fee for administrative management on a well that is exempt from permitting in an amount not greater than \$40 per well, per year.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.156. CERTAIN FEES PROHIBITED. The district may not charge a fee under Section [36.205](#)(b), (c), or (f), Water Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.

Sec. 8871.157. LIMITATION ON AUTHORITY TO IMPOSE TAXES. The district does not have the authority granted by Sections [36.020](#) and 36.201-36.204, Water Code, relating to taxes.

Added by Acts 2017, 85th Leg., R.S., Ch. 644 (H.B. [4345](#)), Sec. 2.02, eff. September 1, 2017.